

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

MINION & SHERMAN  
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Attorney for Debtor

In Re:

SHARON TRUFFIN

Case No.: 19-23622

Judge: Sherwood

Chapter: 13

**CHAPTER 13 DEBTOR-S CERTIFICATION IN OPPOSITION**

The debtor in this case opposes the following **(choose one)**:

1. ☐ Motion for Relief from the Automatic Stay filed by \_\_\_\_\_, creditor,

A hearing has been scheduled for \_\_\_\_\_, at \_\_\_\_\_.

- ☒ Motion to Dismiss filed by the Chapter 13 Trustee.

A hearing has been scheduled for September 24, 2020, at 10:00 a.m..

- ☐ Certification of Default filed by \_\_\_\_\_,

I am requesting a hearing be scheduled on this matter.

2. I oppose the above matter for the following reasons **(choose one)**:

- ☐ Payments have been made in the amount of \$ \_\_\_\_\_, but have not been accounted for. Documentation in support is attached.


☐ Payments have not been made for the following reasons and debtor proposes repayment as follows (**explain your answer**):

☒ Other (**explain your answer**):

The trustee's motion is based on the debtor's failure to close on the real estate located at 8 Meadow Drive, Roseland NJ in accordance with her confirmed plan. Due to Covid and unforeseen issues, we are requesting the case not be dismissed, and that debtor be allowed to file an amended plan extending the date of sale. I have attached a letter from debtor's real estate counsel, Joseph Nitti, Esq., that explains the delay as well as the amount of proceeds the debtor will realize at closing after payment in full of all creditors including the mortgage company that has a stay relief motion on for the same day.

3. This certification is being made in an effort to resolve the issues raised in the certification of default or motion.
4. I certify under penalty of perjury that the above is true.

Date: 9/17/20

  
/s/Stuart Minion, attorney for Debtor  
Debtor=s Signature

Date:

\_\_\_\_\_  
Debtor=s Signature

**NOTES:**

1. Under D.N.J. LBR 4001-1(b)(1), this form must be filed with the court and served on the Chapter 13 Trustee and creditor, if applicable not later than 7 days before the date of the hearing if filed in opposition to a Motion for Relief from the Automatic Stay or Chapter 13 Trustee=s Motion to Dismiss.
2. Under D.N.J. 4001-1 (b)(2), this form must be filed with the court and served on the Chapter 13 Trustee and creditor, if applicable not later than 14 days after the filing of a Certification of Default.

# N NITTI & NITTI

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LUKE T. NITTI  
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September 17, 2020

Via Email

Stuart Minion, Esq

***Re: Carlos and Sharon Truffin  
Address: 8 Meadow Drive Roseland NJ***

Dear Mr. Minion:

As you are aware I represent Mr. & Mrs. Truffin in the sale of their home referenced above.

Per your request I am advising you that the sale has not occurred due to the seller's inability to obtain a temporary certificate of occupancy, since there are zoning and set back issues that need to be resolved. The delay is unusually long due the current pandemic. Also, the buyer is considering taking the property AS IS and resolving the CO issues post-closing, but to date has not made a decision. We hope to have these issues resolved within the next 6 weeks. In addition to this, there are several judgments against Carlos Truffin that I am attempting to settle so that the sellers net can be higher. I hope to have this resolved by the time the CO issues are settled.

The estimated net proceeds to the sellers is as follows:

Sale Price	\$850,000
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Deductions for closing costs:

Real estate commission	\$42,500
Transfer tax	\$ 7,835
Recording costs	\$ 500
Attorney fees	\$ 3,000

Total Est. Closing costs-----\$53,835

Mortgage payoff Est-----\$560,000

Estimated Judgments:

HolmHill	\$16,600
Neri Plumbing	\$12,004
Clinical Delivery	\$ 3,911
NJ Div of Tax	\$ 5,500
Beacon	\$43,622
Target	\$10,000
Iacono	<u>\$ 9,000</u>

Total Liens-----\$100,637

TOTAL DEDUCTIONS-----(\$714,472)

**ESTMATED NET PROCEEDS TO SELLERS-----\$135,528**

Please let me know if you need any further information,

Very truly yours,

  
JOSEPH NITTI